

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

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UNITED STATES OF AMERICA)
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 V.)
)
 EDDIE ANDREW GORDON)

DEBRA P. HACKETT, CLK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA
CR. No.: 2:05cr290-MHT

PETITION FOR WRIT OF HABEAS CORPUS AD TESTIFICANDUM

To Honorable Myron H Thompson, United States District Judge:

Comes now the defendant, Eddie A. Gordon, by and through undersigned counsel, and pursuant to Rule 17(a) and/or Rule 17(b), Fed. R. Crim. P., and the compulsory process clause of the United States Constitution, prays for issuance by this Court of a writ of habeas corpus ad testificandum directed to the Sheriff of Montgomery, Alabama, Montgomery County Jail, Montgomery, Alabama, or such other person as may have custody of inmate TAVION JACKSON, Inmate #, 84429, and directing that said Sheriff or other person deliver TAVION JACKSON to this Court for the purpose of testifying at the trial of this cause and that the costs of transportation and subsistence be paid in the same manner as witnesses for the government.

In support of this filing the Petitioner states:

1. The Defendant was adjudged indigent under the provision of the Criminal Justice Act of 1964, and Kevin L. Butler, was appointed to represent Mr. Eddie Andrew Gordon.
2. The defense has information and believes that Tavion Jackson, Inmate #84429, is imprisoned by the Montgomery Sheriffs's Department at the Montgomery County Jail.
3. If Tavion Jackson testifies truthfully, he will state: 1) on November 22, 2004, Mr. Jackson

was visiting Mr. Eddie Gordon in Room 103 of the Coliseum Inn located at 1550 Federal Drive, Montgomery, Alabama (hotel room); 2) prior to running an errand, Mr. Jackson left a .22 caliber semi-automatic pistol (gun) and some narcotics in a night stand in the hotel room; 3) Mr. Gordon was not aware that Mr. Jackson had left the gun in the hotel room; 4) upon returning from the errand, he saw the police at the hotel room, but failed to notify them that the gun was his; and 5) admitting these in open court may subject me to criminal prosecution.

4. Mr. Jackson is a necessary, material and critical witness because if Mr. Jackson's testimony is deemed believable and credible by the trier of fact (i.e. the jury), Mr. Gordon may not be found guilty of the offense charged in this case.

WHEREFORE, the defense prays that your Honor will direct the Clerk of this Court to issue a WRIT OF HABEAS CORPUS AD TESTIFICANDUM addressed to the Montgomery County Jail, Montgomery, Alabama commanding them to deliver TAVION JACKSON, Inmate #, 84429 to any United States Marshal or Deputy United States Marshal and directing said Marshal or Deputy to bring said prisoner before this Honorable Court to be held at Montgomery, Alabama, on August 9, 2006 at 9:00 a.m.

Respectfully submitted, this the 8th day of August, 2006.



KEVIN L. BUTLER

First Assistant Federal Defender
201 Monroe Street, Suite 407
Montgomery, Alabama 36104
Phone: (334) 834-2099
Fax: (334) 834-0353
E-mail: kevin_butler@fd.org
AZ Bar Code: 014138

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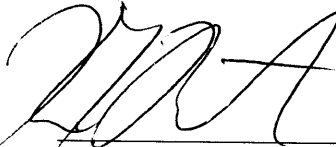
CR. No.: 2:05cr290-MHT

CERTIFICATE OF SERVICE

I hereby certify that on August 8, 2006, I served a copy by U.S. mail to the following:

Tommie Hardwick, Esquire
Assistant United States Attorney
One Court Square, Suite 201
Montgomery, Alabama 36104

Respectfully submitted,



KEVIN L. BUTLER
First Assistant Federal Defender
201 Monroe Street, Suite 407
Montgomery, Alabama 36104
Phone: (334) 834-2099
Fax: (334) 834-0353
E-mail: kevin_butler@fd.org
AZ Bar Code: 014138